

REMARKS

Claims 2 and 5-22 are pending in this application. Claims 6, 11, 13, 18, 19, and 20 are independent. Based upon the amendments and remarks included herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicants have amended the claims to more appropriately recite the present invention. These amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner objected to claims 1 and 13. The Examiner further rejected claims 2, 6, 7, 10, 18, 21, and 22 under 35 U.S.C. §102(e) as being anticipated by *Windle* (USP 6,606,117); rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over *Windle* in view of *Kyuma et al.* (USP 5,883,666); rejected claims 5, 11-14, 17, 19, and 20 under 35 U.S.C. §103(a) as being unpatentable over *Windle* in view of *Kyuma et al.* and further in view of *Silverbrook* (USP 6,597,817); and rejected claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Windle* in view of *Silverbrook* and further in view of *Kyuma et al.* Applicants respectfully traverse these rejections.

Claim Objections

The Examiner objected to claims 11 and 13 asserting "the direction of the camera determined by the determining device..." should be amended to recite "the widthwise or lengthwise direction of the camera determined by the direction determining device..." By this amendment, Applicants have amended the claims to more appropriately recite the present invention. Based on these amendments, it is respectfully requested that the outstanding objection be withdrawn.

Prior Art Rejections

By this amendment, Applicants have amended claim 6 to recite, *inter alia*, a digital camera comprising a storing device that stores data of a plurality of composition assist frames,

wherein the storing device stores more than one composition assist frame associated with each of the plurality of shooting modes; an extracting device that extracts more than one composition assist frame that can be selected from the plurality of composition assist frames according to the shooting mode selected by the shooting mode selecting device; and a composition assist frame selecting device that enables selection of a composition assist frame from the more than one composition assist frame extracted by the extracting device. Independent claims 11 and 13 have been similarly amended.

The Examiner maintained his rejection of the claims asserting the amendments made to the independent claims do not clearly set forth that there are a plurality of composition assist frames associated with each mode. However, claim 6, as amended, clearly recites a storing device that stores data of a plurality of composition assist frames, wherein the storing device stores more than one composition assist frame associated with each of the plurality of shooting modes; an extracting device that extracts more than one composition assist frame that can be selected from the plurality of composition assist frames according to the shooting mode selected by the shooting mode selecting device; and a composition assist frame selecting device that enables selection of a composition assist frame from the more than one composition assist frame extracted by the extracting device.

As admitted by the Examiner, *Windle* teaches one composition assist frame respectfully corresponds to one of the plurality of shooting modes. In contrast, the present invention, as recited in claim 6, requires storing more than one composition assist frame associated with each of the plurality of shooting modes. Further, claim 6 requires extracting device that extracts more than one composition assist frame that can be selected from the plurality of composition assist frames according to the shooting mode selected. *Windle* fails to teach these elements. As such, claim 6, as amended, is not anticipated by *Windle*. It is respectfully requested that the outstanding rejection with withdrawn.

It is respectfully submitted that claims 7-10 are allowable for the reasons set forth above with regard to claim 6 at least based upon their dependency on claim 6. It is further respectfully submitted that claim 18 includes elements similar to those discussed above with regard to claim

6 and thus claim 18, together with claims dependent thereon are allowable for the reasons set forth above with regard to claim 6.

The Examiner rejected claims 11, 13, 19, and 20 under 35 U.S.C. §103(a) as being unpatentable over the teachings of *Windle* in view of *Silverbrook*. Although the Examiner rejected these claims 20 asserting the claims are obvious in view of the teachings of *Windle* and *Silverbrook*, the Examiner relies on those teachings of *Windle* as argued above regarding claim 6. Applicants respectfully submit that *Silverbrook* fails to cure the deficiencies of the teachings of *Windle*. As such, it is respectfully submitted that these claims, together with claims dependent thereon, are patentable over the references as cited by the Examiner.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By

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